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ABSTRACT

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 gave tribal governments new authority to structure and administer their own cash assistance, employment and training, child care, and child support enforcement programs. This "Issue Notes" describes some current characteristics of tribal Temporary Assistance for Needy Families (TANF) programs and emerging challenges in serving tribal members through tribal and state TANF programs. It also presents findings from recent studies on welfare reform's impact on tribal members and explores tribal issues likely to be raised during TANF reauthorization in 2002. While some tribes count tribal subsistence activities and participation in substance abuse treatment and counseling toward meeting their work requirement, nearly all tribes count education and job training as a work activity. Child care, transportation, and substance abuse and mental health services are the top three needs of tribal welfare recipients. Limited access to advanced telecommunications and technology and limited job creation and employment opportunities are also significant barriers to tribal self-sufficiency. Tribal issues likely to be raised during TANF reauthorization include a separate tribal TANF title of PRWORA, program funding levels and support services needs, economic development focus, employment and training program consolidation, time limit extensions and exemptions, expansion of allowable federal work activities, and performance bonuses. Strategies for collaboration among tribes, states, and public and private entities are discussed. (Contains 42 resource contacts and Web sites.) (TD)

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Welfare Reform in Indian Country: Current Trends and Future Directions

By Rebecca Brown

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WELFARE INFORMATION NETWORK **Issue Notes**

Vol. 5, No. 9 June 2001

Welfare Reform in Indian Country: Current Trends and Future Directions

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Background

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 gave tribal governments new authority to structure and administer their own cash assistance, employment and training, child care, and child support enforcement programs. To date, the U.S. Department of Health and Human Services (HHS) has approved 34 tribal Temporary Assistance for Needy Families (TANF) plans serving 170 tribes in 15 states—Alaska, Arizona, California, Idaho, Minnesota, Montana, Nebraska, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. Thirty-eight additional plans are pending approval, which would bring the total number of Indian families served by tribal TANF programs to 21,000. Tribal TANF grantees receive funds directly from the federal government, and tribes are expected to draw down more than $86 million in tribal assistance grants during fiscal 2001; in contrast, states receive $16.8 billion in TANF funding annually. Though they are not required to do so, several states spend their own funds to support tribal TANF programs. At least 12 states count spending on tribal TANF programs toward their TANF maintenance-of-effort (MOE) requirement.

Tribes and tribal consortia may submit a plan to operate a tribal welfare program at any time. However, despite continued growth in the number of tribal TANF programs being implemented, more than two thirds of the TANF-eligible Indian and Native American population, or about 400 tribes, are served under state welfare programs. States with higher proportions of Indian and Native American clients in their caseloads confront unique challenges when developing services that address reservations' high rates of substance abuse, domestic violence, poverty, and other barriers to self-sufficiency. In several cases, states are partnering with tribal programs to serve the unique needs of the tribal members in their caseloads.

The flexibility granted to tribes under TANF, together with opportunities to coordinate services and customize programs to fit the needs of smaller, more specialized populations, makes tribal TANF a valuable case study for policymakers, program administrators, researchers, and others interested in welfare reform implementation. This *Issue Note* describes some current characteristics of tribal TANF programs and emerging challenges in serving tribal members through tribal and state TANF programs. It also presents findings from recent studies on welfare reform's impact on tribal members and explores tribal issues likely to be raised during TANF reauthorization in 2002. For more information on tribal welfare reform and related resources, visit the Welfare Information Network's Tribal Issues web site at http://www.welfareinfo.org/tribal.htm.

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Policy Questions

How are Indians and Native Americans being served through tribal TANF and related programs? PRWORA gives tribal TANF grantees the authority to adopt certain policy and program options. Like state TANF programs, tribal TANF grantees may place time limits on benefits that are shorter than the federal law's 60-month lifetime limit as well as establish work requirements and define work activities that vary from those outlined in PRWORA. Tribes may also set work participation rates that differ from PRWORA's targets and may define the service delivery areas and populations to be served by the tribal TANF program. HHS developed a matrix of key elements of the 31 tribal TANF plans approved as of February 27, 2001. An analysis of the data by the Welfare Information Network (WIN) reveals the following policy and program trends.

- Time limits. All tribal TANF plans impose a 60-month time limit on cash assistance.
- Work activities. Ten tribal TANF plans allow participation in traditional tribal subsistence activities (e.g., hunting, fishing, gathering, and crafts) to count toward meeting the tribe's work requirement. Seven tribes count participation in substance abuse treatment and counseling toward meeting their work requirement. Five tribes count just the federal work activities outlined in PRWORA toward meeting their work requirement. Nearly all tribes count education and job training as a work activity.
- Work participation rates. Four tribal TANF plans use the same work participation rates as defined in Section 407(a) of PRWORA, while 27 tribes set lower work participation targets.
- Program participation. The number of families served monthly ranges from a low of eight (Sokaogon Chippewa Community, Mole Lake Band, Wisconsin) to a high of 9,500 (Navajo Nation, Arizona, New Mexico, and Utah).

For more information, see http://www.acf.dhhs.gov/programs/dts/tanfchar_227.htm.

Emphasis on Education and Training. A lack of available jobs on or near reservations, coupled with the limited education levels of many tribal members, has prompted several tribes to emphasize an "education and training-first" approach to welfare reform. Most tribes consider welfare reform's "work-first" philosophy to be in line with their strongly held beliefs about self-sufficiency and responsibility to family, tribe, and community. Yet they tend to support basic education, general education development (GED) preparation, two- and four-year postsecondary degree programs, and certificate programs for individuals who are unable to secure unsubsidized jobs or who are unlikely to retain such jobs. The HHS tribal TANF matrix indicates that six tribal TANF plans allow basic education, 11 allow vocational training beyond the federal law's 12-month limit, and two allow postsecondary education to satisfy their tribal TANF work requirement.

Coordinated Services to Meet Family Needs Holistically. Public Law 102-477, the Indian Employment, Training, and Related Services Demonstration Act of 1992, allows tribes to consolidate formula-funded employment, training, and supportive services into an integrated set of services, referred to as the "477 Program." These 477 programs are delivered through a single plan, single budget, and single reporting system, which promotes streamlined program administration, enables tribes to focus a wide variety of federally-funded services on the needs of

welfare recipients, and increases tribes' ability to serve families more holistically. Tribes determine which programs to include in their 477 plan, and TANF, Welfare-to-Work (WtW), Child Care and Development Fund (CCDF), Native Employment Works (NEW), and General Assistance (GA) programs are all candidates for integration with tribal employment and training programs. Some tribes also use their 477 programs to provide funding for such tribal TANF start-up expenses as assessing the feasibility of assuming the TANF program, preparing a formal tribal TANF plan, and other activities related to launching a tribal TANF program.

To date, there are 43 approved 477 plans serving 210 tribes, and 12 tribes include TANF in their consolidated program. For example, the Three Affiliated Tribes of the Fort Berthold reservation in western North Dakota administers a 477 program serving 190 clients in five counties. Clients can visit the program's office to seek on-the-job training, job search, child care, and other supportive services, as well as cash assistance. The center also refers clients to community college programs and will dispense caseworkers to remote parts of the reservation if low-income families are unable to travel to the office. For more information on P.L. 102-477, visit the website of the U.S. Department of the Interior, Bureau of Indian Affairs, at http://www.doi.gov/bia/ecodev/jobpl_index.htm.

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What challenges do Indians and Native Americans continue to face in obtaining employment and achieving self-sufficiency? What are some strategies to address those challenges? The National Congress of American Indians (NCAI), the organization that represents tribal governments and convenes tribal TANF administrators, ranks child care, transportation and substance abuse and mental health services as the top three needs of tribal welfare recipients. About 70 percent of tribes reside in remote rural areas. They often lack the capacity to provide and coordinate employment support services (e.g., child care) and specialized services for the hard-to-serve (e.g., substance abuse and mental health treatment and domestic violence services). A shortage of facilities, trained staff, and other resources limit tribes' ability to meet client demand for these services. Moreover, services are often concentrated in a rural area's county center, making it difficult for residents in outlying areas to access them if satellite offices and reliable transportation are not available. Strategies that tribes are using to address transportation, substance abuse, and domestic violence barriers include the following.

- **Transportation.** The Choctaw Transit Authority (CTA), managed by the Mississippi Band of Choctaw Indians, operates 10 employment-related transit routes, one senior citizen transit route, a vehicle maintenance center, and a gasoline service station. CTA serves three counties and its programs are funded by the Federal Transit Administration's Section 18 program (Shawn, 1999). Tribes that cannot undertake transportation initiatives themselves can coordinate with existing public program transportation services, such as those provided by Head Start, colleges and universities, child care centers, health centers, and nursing homes. For example, tribes can develop agreements to share vehicles with these programs or add new stops to their routes.
- **Substance abuse and domestic violence.** All prospective WtW clients of the Eastern Band of Cherokee tribe in North Carolina are required to participate in a substance abuse hair analysis, a test that detects alcohol and other drug usage weeks and even months before its administration. The Navajo Nation in Arizona, New Mexico, and Utah adopted a Family Violence Prevention Act. The act makes family violence a criminal offense. It also authorizes new police procedures that specify the arrest of these perpetrators given probable cause (Hillabrant and Rhoades, December 2000).

Telecommunications and Technology. Limited access to advanced telecommunications and technology also poses a significant barrier to tribes striving to help families achieve self-sufficiency. Tribes can enhance their workforce development, economic development, and social service delivery efforts by encouraging the use of information technology. Workers on reservations with access to high-speed advanced networking services, such as videoconferencing, Internet access, and advanced digital telephone services, can compete for higher-skilled, higher-salaried jobs. Welfare reform, health care, and related programs can also be supported and delivered through systems that offer online application and referral services. Service providers can coordinate programs and meet regularly through videoconferencing and the Internet. The Navajo Nation in Arizona, New Mexico, and Utah is testing a customized automated case management and tracking system that links caseworkers from 12 welfare offices by satellite so they can determine eligibility for TANF, child support enforcement, child care, GA, and related services simultaneously. The system is designed to be compatible with each state's TANF data collection system, so that information can be shared between the tribes and states. Caseworkers will also be equipped with laptops to provide services to the most isolated areas of the reservation. State general funds are the predominant source of financing for the system. For other approaches to improving technology access in rural areas, visit The Finance Project's Digital Divide web site at http://www.financeproject.org/digdividehome.htm.

Economic Development. High unemployment and poverty rates on reservations, coupled with limited job creation and employment opportunities, suggest an urgent need for development efforts that can sustain and advance rural and tribal economies. To date, casino gambling has been a primary and highly lucrative means of economic growth for some tribes. Improving rural and tribal technology and transportation infrastructures, creating a more skilled workforce, and ensuring the availability of health and child care services can attract new business development. In 2000 the All Indian Pueblo Council, a consortium of 19 Pueblo Indian tribes in New Mexico, received a $120,000

grant from the U.S. Department of Commerce's Economic Development Administration. The funds were used to create a web site providing Native American-owned enterprises with access to e-commerce information, presenting historical and cultural information about the Pueblos, and improving communication between the 19 Pueblo governors and council officers (U.S. Department of Commerce, March 2001).

Building individual assets can also support and help sustain a tribe's economic development efforts. In 1998 the First Nations Development Institute funded three tribes and two tribal nonprofit organizations to develop individual development account (IDA) programs to encourage tribal members to save money to purchase a home, cover the costs of a small business start-up, or pay education and training expenses. An evaluation of the program after its first year reveals that participants saved a total of $8,195.75, with an average monthly savings deposit of $30.34, or about 2 percent of their monthly household income. Individuals with lower incomes saved at the same rate as those with higher incomes (First Nations Development Institute, September 2000).

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How can tribes collaborate with states and other public and private entities to meet the needs of low-income Indians and Native Americans? Since the majority of tribal members receive TANF and related public benefits (e.g., food stamps and Medicaid) through state agencies, tribes, states, and other public and private entities may find it advantageous to work together to meet the needs of low-income tribal members. Several tribes and state TANF agencies have already formed partnerships to address the needs of tribal members. Some tribes find that a state's more highly developed data systems and additional financial resources can assist them in meeting tribal TANF goals. For example, the Mille Lacs Band of Ojibwe Indians in Minnesota uses the state's TANF computer system for case management, grant issuance, and data collection activities. Oregon also provides its tribal TANF grantees access to state TANF-related electronic data (e.g., child support and employment data). In Texas, three tribal councils are developing memoranda of understanding with local workforce investment boards to develop plans to serve Native Americans through the state's career centers.

Similarly, some states find that a tribe's sensitivity to its members' cultural needs can assist them in delivering appropriate services to the Indians and Native Americans in their state caseloads. Oregon outstations state TANF case managers on reservations who develop case plans that take into account the particular needs and circumstances of their Native American clients. The state also created a Tribal Relations Liaison position responsible for ensuring state TANF services are delivered in a culturally appropriate manner. Minnesota and Montana authorize their tribal TANF grantees to determine eligibility for food stamps and Medicaid alongside TANF to simplify program administration and application procedures. Arizona appropriated $1 million to provide each of its 21 tribes with grants to defray transportation and child care expenses of tribal TANF recipients seeking employment. Two of the state's tribes use the funds to operate teen pregnancy prevention programs.

Tribes can also partner with universities, hospitals, Head Start centers, housing authorities, and Indian Tribal Organization Women, Infants, and Children (WIC) programs. University cooperative extension services, many of which are located in rural states, can be tapped to provide parenting skills classes, nutrition education, and financial literacy and budgeting courses. Area hospitals and residential or outpatient treatment facilities can help serve individuals with substance abuse and mental health problems when tribes lack the space or resources to open treatment facilities on the reservation.

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What are some tribal issues likely to be raised during reauthorization of TANF in 2002? Tribal TANF administrators, national organizations representing tribal and state governments, researchers, and others have already begun to identify some of the issues likely to arise during the TANF reauthorization debate. They include the following.

Separate Tribal TANF Title of PRWORA. NCAI published an analysis of topics raised during initial TANF reauthorization discussions held among tribal leaders during spring 2000. The analysis indicates possible interest among tribes in advancing a separate tribal title of PRWORA that would distinguish tribal program provisions from state program provisions and would more explicitly group any proposed changes to the statute favored by tribes. Alternatively, tribal provisions could remain in separate sections of the titles that address general program provisions. Tribes are also likely to support continued flexibility in the administration of tribal TANF programs (e.g., the ability to define service area and populations) as well as maintenance of "equitable access" to state TANF programs. Currently, such access is stated, though not defined, in PRWORA.

Program Funding Levels and Support Services Needs. Tribal TANF grant allocations are based on the level of the federal payment made to the state in fiscal 1994 for Indian families residing in the tribal TANF program's designated service area. The NCAI analysis also identifies funding allocation considerations for tribes in conjunction with TANF reauthorization. Physical, administrative, and programmatic infrastructures for TANF implementation are less abundant for many tribal governments than for state and local governments, so tribes are likely to support increased funding for administration, program start-up, and information systems and technology. Tribes will also likely back additional financial resources for employment and training, employment support services (e.g., child care and transportation), and special services for the hard-to-serve (e.g., substance abuse and mental health treatment and domestic violence services).

Economic Development Focus. In addition to providing cash assistance and work supports for tribal families, tribes may support strengthening tribal economic development and job creation initiatives. Among tribal TANF participants, low rates of unsubsidized work participation and high unemployment—11 percent in fiscal 1999—reinforce the need for increased economic opportunity on tribal lands. Specific economic development incentives to improve employment opportunities on reservations and in rural areas may be included in a reauthorization proposal.

Employment and Training Program Consolidation. Funding for the NEW program authorized under PRWORA will also expire in 2002. The program's current annual funding level of $7.6 million is relatively limited and only available to tribes that operated former Job Opportunities and Basic Skills (JOBS) programs. The Indian and Native American Employment and Training Coalition, the entity representing NEW and tribal WtW grantees, is considering a single funding stream for tribal employment and training programs. This stream would combine and increase resource levels above those of the NEW program as well as the still-operating tribal component of the WtW program, which is funded at $15 million annually for two years. The new single funding stream would be available to tribes that are unable to access the funds under current law and would focus on the needs of individuals who are on, leaving, or at-risk of receiving public assistance. The combined resource would also fund technical assistance and program evaluation.

Time Limit Extensions and Exemptions. PRWORA allows any TANF adult living on a reservation to deduct from their five-year time limit on assistance any time they reside on an Indian reservation as a jobless person, so long as the reservation reports a joblessness rate of at least 50 percent. Yet many tribes cannot meet this requirement; they have a fluctuating joblessness rate of just below 50 percent primarily because of seasonal or temporary employment on their reservations. Tribes have repeatedly questioned whether the 50 percent joblessness requirement to trigger the disregard of months of assistance should be lowered. On the other hand, some tribal leaders fear a lower exemption threshold may stimulate a return migration to exempt reservations by tribal members approaching time limits.

Expansion of Allowable Federal Work Activities. Tribal TANF grantees can incorporate tribal and cultural activities, such as subsistence and artistic activities, into their work activity definitions. PWRORA lists 12 activities that states may count toward the federal work participation rate. Although states may count additional activities toward their state work requirement, tribes will likely encourage the expansion of the federal list to also include tribal, cultural, and more educational activities for tribal members being served under a state TANF program.

Performance Bonuses. Tribal TANF grantees are not eligible for any of the performance bonuses included in PRWORA (i.e., the high-performance bonus or reduction in out-of-wedlock births award). Tribes may support measures that specifically include tribes in current TANF bonuses and/or establish additional performance awards to promote positive tribal TANF performance.

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Research Findings

Although state welfare cash assistance caseloads were halved between the passage of the welfare reform law in August 1996 and September 2000, Indian reservations experienced significantly slower caseload declines. Between 1994 and 1998, Arizona's state caseload dropped by 59.2 percent, while the American Indian/Native American (AI/NA) caseload declined by only 40.4 percent (a difference of 18.8 percent). Montana's state caseload declined 26.3 percent, while the AI/NA caseload grew by 0.5 percent (a difference of 26.8 percent) during this same period (Hicks and Brown, October 25, 2000).

An analysis of TANF caseload data reported by states to HHS for fiscal 1999 shows that an estimated monthly average of 34,800 adults (about 1.7 percent) who received TANF, not including tribal TANF, were Native American. These data include Native American families residing both on and off Indian reservations. Of these, 21 percent were combining work and welfare, compared with 28 percent of all TANF adults. One third of Native American adults on TANF were counted as participating in a job preparation activity or a tribal work program. More than half (54 percent) of Native American TANF adults have had at least 12 years of school, which is similar to the level of education attained by all TANF adults. The educational attainment of Native Americans was above that of Hispanic (37 percent) and Asian/Pacific Islander (41.5 percent) TANF adults, but below that of white TANF adults (60 percent). Native American TANF adults were also more likely to be in two-parent families (22.6 percent) than TANF adults in all other racial and ethnic groups except Asian/Pacific Islanders (Congressional Research Service, April 27, 2001).

Interviews conducted in 1998-99 with 445 current and former tribal TANF recipients from three Arizona reservations reveal a serious shortage of job opportunities and support services. Eleven percent of respondents were employed and had left TANF at the time of the interview, though most were earning an hourly average of only $6.70. Forty-six percent of the sample had never worked at a regular job for pay. Just 29 percent of respondents owned an automobile, and nearly 50 percent were not able to buy the food they needed (Pandey et al., 2000).

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For More Information...

RESOURCE CONTACTS AND WEB SITES

American Indian Higher Education Consortium, Dr. Jeffrey Hamley, 703/838-0400 at http://www.aihec.org/.

American Public Human Services Association, Kathryn Dyjak, 202/682-0100 at http://www.aphsa.org/.

First Nations Development Institute, Juliet King, 540/371-5615 at http://www.firstnations.org/.

Indian and Native American Employment and Training Coalition, Norm DeWeaver, 907/265-5975 or (202) 339-9314.

National Conference of State Legislatures, Susan Johnson, 303/830-2200 at http://www.ncsl.org/.

National Congress of American Indians, Sarah Hicks, 202/466-7767 at http://www.ncai.org/.

National Indian Child Care Association, Julie Quaid, 541/553-3241.

National Indian Health Board, Yvette Joseph-Fox, 303/759-3075 at http://www.nihb.org/.

Public Law 102-477 Tribal WorkGroup, Leo Cummings, 477 Director, Three Affiliated Tribes, 701/627-4756 or Sharon Olsen, Employment and Training Manager, Tlingit Haida Central Council, 907/463-7134.

U.S. Department of Health and Human Services, Office of Community Services, Division of Tribal Services, John Bushman, 202/401-2418 at http://www.acf.dhhs.gov/programs/dts/.

Welfare Information Network, Rebecca Brown, 202/628-5790 or rbrown@financeproject.org at http://www.welfareinfo.org/ . Also visit related web sites on:

- Tribal Issues, http://www.welfareinfo.org/tribal.htm
- Rural Welfare Reform, http://www.welfareinfo.org/rural.htm
- Rural and Native American Technology Issues, http://www.financeproject.org/access_rural.htm
- Child Care, http://www.welfareinfo.org/childcare.htm
- Transportation, http://www.welfareinfo.org/transport.htm
- Hard-to-Place Recipients, http://www.welfareinfo.org/hard.htm

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